

REMARKS

Reconsideration of the above-identified application in view of the present amendment is respectfully requested.

Regarding the election and restriction, claims 1-5 and 9-12 are generic to Sub-species 1A (Figs. 1 & 3-5), 1B (Figs. 6 & 7), and 1C (Figs. 8 & 9). It is believed that claim 12 was inadvertently withdrawn from consideration. Claim 12 was elected and is generic to Sub-species 1A, 1B, and 1C. Applicant's representative respectfully requests that claim 12 be reinstated and considered in response to this Amendment.

Also, Applicant's representative inadvertently omitted stating that claim 6 was elected in the Election filed April 25, 2006. Claim 6 is directed to elected Sub-species 1A of Figs. 1 and 3-5. Applicant's representative respectfully requests that claim 6 be reinstated and considered in response to this Amendment as well.

Claim 1 has been rejected as indefinite. Claim 1 has been amended to overcome this rejection.

Claims 1-5, 10, and 11 have been rejected as anticipated by McFarland et al., US 6,227,565. Claim 9 has been rejected as unpatentable over McFarland et al.

Amended claim 1 now recites that the spacing means (44, 48, 50) are formed at least one of the first housing part (22) and the second housing part (24). The threshold cap (180) of McFarland et al., proposed in the Office Action as the spacing means, is not formed in the housing part (30) or the housing part (110).

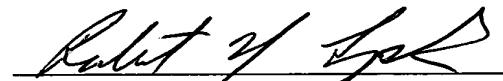
Further, amended claim 1 also recites that the spacing means (44, 48, 50) is designed so that a minimum value of the variable flow area between the first housing part (22) and the second housing part (24) is maintained. The threshold cap (180) of

McFarland et al. does not maintain, or affect at all, the flow area (130) between the housing parts (30, 110). Thus, the fluid passage (130) will be blocked if the inflation fluid forces the side wall (114) of the housing part (110) outward and into contact with the inner surface of the housing part (30), as shown for example in prior art Fig. 2 of this application. The threshold cap (180) in no way affects this from happening.

Consequently, generic claim 1, as well as claims 2-12 which depend from claim 1, are in condition for allowance. In view of the foregoing, allowance of the above-identified application is respectfully requested.

Please charge any deficiency or credit any overpayment in the fees for this amendment to our Deposit Account No. 20-0090.

Respectfully submitted,


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